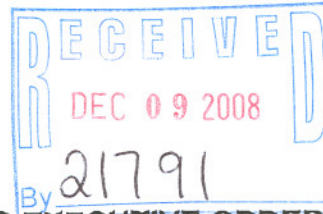


December 8, 2008



08-169

**RESOLUTION OF INTENT PURSUANT TO EXECUTIVE ORDER 114 AND THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLANDS COUNCIL
AND THE COUNCIL ON AFFORDABLE HOUSING**

WHEREAS, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands Council) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

WHEREAS, COAH and the Highlands Council have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

WHEREAS, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

WHEREAS, the MOU does not address whether a municipality under the jurisdiction of the New Jersey Highlands Water Protection and Planning Act but not COAH may avail itself of revised growth projections to be issued from the Highlands Council; and

WHEREAS, the Township of Boonton, County of Morris, is under the jurisdiction of the New Jersey Highlands Water Protection and Planning Act but is not currently under the jurisdiction of COAH; and

WHEREAS, it is uncertain whether the Township of Boonton could avail itself of the revised growth projections to be issued by the Highlands Council without the adoption of a resolution advising COAH that the Township is investigating whether to apply for third round substantive certification under the revised third round rules and regulations set forth at NJAC 5:96; and

WHEREAS, on December 8, 2008 the Township Committee of the Township of Boonton, County of Morris, adopted a resolution notifying the Highlands Council that the Township of Boonton has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Boonton, County of Morris, State of New Jersey, hereby agrees that it is investigating whether to apply for third round substantive certification from COAH under the revised third round rules and regulations set forth at NJAC 5:96 by December 8, 2009; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Boonton, County of Morris, hereby directs the Township Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Boonton, County of Morris, hereby directs the Township Clerk to immediately transmit a signed and sealed copy of the December 8, 2008 duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Boonton, County of Morris intends to investigate and determine whether to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH under the revised rules set forth at NJAC 5:96 and, if it so determines, will submit a petition to COAH not later than December 8, 2009.

I, Barbara Shepard, Township Clerk, do hereby certify that the foregoing resolution was adopted at a regular meeting of the Township Committee, held on December 8, 2008.

12-08-08

Date

Barbara Shepard
Barbara Shepard, Township Clerk